

4th QUARTERLY PROGRESS REPORT

1st Quarter 2022

PROTECO LANDFILL SUPERFUND SITE

Peñuelas, Puerto Rico

Report Date: April 15, 2022

Reporting Period: January 1, 2022 through March 31, 2022

This Quarterly Progress Report was prepared by *de maximis, inc.* for the PROTECO Site (Site) on behalf of the Proteco Landfill Superfund Site Generators Parties Group (Group), pursuant to Paragraph 34(a) of the Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study (Order) and Section XIII, Task 12, of the Statement of Work (SOW) attached to the Order as Appendix C.

QUARTERLY PROGRESS REPORT ELEMENTS

The four (4) Quarterly Progress Report Elements, and their sub-elements, are defined in the SOW, Task 12 and are itemized below:

1. Summary of Settlement Agreement Compliance Actions Performed this Quarter

1.1 East Boundary Fence Installation

The East Boundary Fence installation work was performed from January 17, 2022 through February 4, 2022. The fence installation work was completed in accordance with the East Boundary Fencing Plan which was approved by EPA on December 20, 2021. Additionally, the north, west and south fences were inspected, and repaired as needed, following the completion of the installation of the East Boundary Fence.

The cattle caused damage to the new fence in the weeks following the installation. EPA was notified weekly via email of the presence of cattle at the Site, the damage to the fence caused by the cattle and the repairs that were made, as necessary, to restore the fence. Photographs of the Site fencing damage and repair are included in Attachment A.

1.2 Installation of SWPPP Best management Practices (BMPs)

The BMPs were installed in accordance with the EPA approved SWPPP from February 7, 2022 through February 15, 2022. The BMPs were installed prior to the start of Site vegetation clearing except for the BMPs required for Unit 14. There was a delay in receiving the BMP materials for Unit 14 due to supply chain issues. Additional BMPs were also installed as Site clearing progressed and new drainage features were discovered that required protection. The BMPs were inspected each week during the Site vegetation clearing activity. Photographs of some of the BMPs are included in Attachment A.

1.3 Site Vegetation Clearing

Site vegetation clearing began on February 15, 2022. The vegetation clearing work progressed well until late March 2022. The vegetation clearing subcontractor's (Right Way's) mowers broke down at the Site several times in March 2022. The break downs that occurred between March 17th and March 23rd, 2022 resulted in the machines becoming inoperable. The mower break downs resulted in the need to pause the Site clearing work from Thursday, March 24, 2022 until Wednesday, April 6, 2022 for Right Way to order the needed parts from the mainland since the parts were not available locally and make the necessary repairs. It required approximately ten (10) days to receive the needed parts from the mainland due to supply chain issues and shipping times. Approximately four (4) acres remain to be cleared as of March 31, 2022. The Site vegetation clearing remains on schedule despite the pause in the work. Photographs of the Site vegetation clearing are included in Attachment A.

1.4 Weekly Endangered Species Biological Site Surveys

In accordance with the January 3, 2022 United States Fish and Wildlife Service (FWS) revised letter of concurrence, the FWS informed Geosyntec that the Group would need to perform surveys of the areas where the vegetation was scheduled to be cleared because this activity would be occurring during the nesting season for the Puerto Rican Nightjar. The biological consultant, Diatom, performed the biological surveys in the areas identified by Geosyntec to be cut during the following week. The areas that were surveyed each week ranged from four (4) to six (6) acres. The first weekly biological survey was performed on February 15, 2022. Diatom performed six (6) weekly biological surveys during this quarter.

During the weekly biological survey Number 3 on February 28, 2022, Diatom observed one (1) Puerto Rican Nightjar in what appeared to be an early nesting stage on the north side of the Site. The bird's location and the vegetation surrounding it were cordoned-off and flagged in accordance with the Site Clearing Plan and the FWS guidelines. This area was, and will continue to be, treated as a potential nesting area until the nesting season has concluded. A nest for a non-endangered songbird was also discovered. The two (2) bird nesting areas and the vegetation surrounding them were cordoned-off and flagged in accordance with the Site Clearing Plan and the FWS guidelines. These two nesting areas will be cleared, if necessary, later in the year when nesting season is over. The bird nesting season runs from late January through June. These areas are less than ¼ acre and are not in an area where future work is anticipated.

Diatom also found one (1) *Eugenia Woodburyana* plant on the north side of the Site very close to the Site boundary. The plant and the vegetation surrounding it was also cordoned-off and flagged in accordance with the Site Clearing Plan and FWS guidelines. The plant is not located in an area where future work is anticipated. No individuals of the Puerto Rican Boa were observed during initial biological survey in November 2021 or any of the weekly biological surveys.

1.4 Site Operational Boundary Survey

The Site Operational Boundary Survey was performed in February 2022 following the installation of the east fence and the repairs to the north, west and south fences. The surveyor determined that approximately forty-four and a half (44.5) acres are located inside the Site Operational Boundary fence.

1.5 Site Waste Unit Survey

The waste units located in the western sections of the Site that had been cleared of vegetation were staked in late March 2022. The locations of the waste units in the western sections of the Site were determined by using the information in the Site historical records and through visual observations. The waste units located in the eastern sections of the Site will be staked when the Site vegetation clearing is completed. The waste units that can be identified will be surveyed in April 2022.

2. Summary of sampling and tests performed at the Site by the Respondents this Quarter

No media sampling or laboratory testing was performed by the Group during this quarter.

3. Summary of Work and Schedule Planned for Next Quarter (April through June 2022)

3.1 Work Planned

3.1.1 Site Vegetation Clearing

The Site vegetation clearing work is scheduled to resume on April 6, 2022. The Site clearing work is scheduled to be completed by April 29, 2022.

3.1.2 Waste Unit Survey

The survey of the waste units will be performed in April 2022 prior to the Site Reconnaissance Visit. The limits of the waste units will be staked to indicate the approximate limits of each waste unit that can be visually identified.

3.1.3 Site Reconnaissance Visit

The date for the Site Reconnaissance Visit will be confirmed once the vegetation clearing is completed and the waste unit survey is nearing completion. The tentative date for the Site Reconnaissance Visit is Tuesday, May 3, 2022.

3.1.4 Scoping and Planning Technical Memorandum (SPTM)

The SPTM is scheduled to be submitted to EPA sixty (60) days following the Site Reconnaissance Visit. Preparation of the SPTM will be performed during the next quarter.

3.2 Schedule for Planned Work

A simplified Gantt chart schedule is provided with this report as Attachment B.

3.3 Impact of Planned Work on RI/FS Completion Schedule

The date of the Site Reconnaissance Visit is the first major milestone in the RI/FS process with all subsequent activities, meetings and deliverables measured from that date in the schedule.

4. Summary of Problems, Delays and Solutions

4.1 Problems Encountered During this Quarter

4.1.1 Cattle Causing Work Stoppages and Damage to Site Fences

The presence of cattle located inside the Site fence remains an issue. The livestock caused two (2) work stoppages on February 8 and February 9, 2022. EPA was contacted on both of these dates and informed of the work stoppage. In turn, EPA contacted the livestock owner and asked him to remove his cattle from the Site. On three (3) occasions, small groups of cattle gathered by the Site gates and the field crew opened the gates to allow them to leave. The cattle have caused damage to the Site fences which resulted in unplanned repairs and lost work time. The Site work continued as long as the cattle remained away from the workers and machines.

As described in Section 1.1, the Group has completed the repairs of the west, north and south boundary fences, installed a new chain link gate at the west Site entrance and a new east boundary fence. The fencing and gate work was performed at EPA's direction in an attempt to restrict livestock from entering the Site.

As reported in the 1st Quarterly Progress Report, the attorney for the landowner verbally confirmed to the Group that there is no lease or grazing rights agreement between the landowner and the livestock owner. The presence of livestock at the Site presents an ongoing worker safety issue and a potential damage concern for the BMP installations, waste unit caps and Site fences.

4.1.2 Off-Site sedimentation ponds and bypass canal

In a September 27, 2021 email to EPA, the Group requested that EPA verify whether the Upper and Lower Sedimentation Ponds are a component of EC Wastes' current NPDES permit. Based on follow-up communication with EPA, we understood that the issue was

referred to the EPA NPDES section. As of March 31, 2022, the Group has not received any information from the EPA NPDES section about this issue. In a separate effort to learn about EC Wastes' stormwater management, the Group submitted a FOIA request to EPA on November 2, 2021 to obtain copies of EC Waste's NPDES permit, EPA inspections, engineering plans and reports. As of March 31, 2022, the Group had received a few EC Waste files from EPA in response to the FOIA request. EPA indicated in a March 30, 2022 letter that it is continuing to search for documents responsive to the request and that it anticipates completing the response to the FOIA request in June 2022. The Group will likely need EPA support and guidance on how to deal with the operators of neighboring facilities whose operations may be impacting the Site or runoff from the Site.

4.1.4 Lack of existing Site boundary survey data

As reported in the 2nd Quarterly Progress Report, the surveyor determined that no public land records, or private lease records exist which contain any survey data or specific location information regarding the Site boundaries. The surveyor also could not find any public records with the legal boundaries for the two (2) landfill operations which are adjacent to the Site, namely the EC Waste landfill and the Ecosystems landfill. The landowner's attorney did not have any records that describe the Site boundaries. As a result, the Site operational boundaries have been established through surveying the existing barbed wire fence on the south, west, and north sides of the Site and by surveying sections of the new barbed wire fence installed on the east side of the Site based on historical Site documents. The Group believes the barbed wire fences represent the approximate extent of the former Proteco operation area.

4.1.5 No visual evidence of the Location for Waste Unit 8

Once the vegetation had been cleared from the western section of the Site, Geosyntec attempted to determine the location of Waste Unit 8. Geosyntec could not find any physical evidence of the waste unit in the location shown in the historical Site documents.

4.2 Anticipated or Potential Problems Next Quarter

Until the cattle are removed from the Site, the potential remains for them to stop or interfere with ongoing Site activities and the upcoming Site Reconnaissance Visit. The cattle have caused damage to the Site fences and BMPs and caused work stoppages during the field work activities. The Group anticipates that the cattle will remain a problem at the Site until they are removed.

4.3 Schedule Delays Encountered This Quarter

The vegetation clearing work paused from March 24 to April 6, 2022 for the subcontractor to repair the mowers being used at the Site. This work stoppage did not affect the overall schedule because the Site vegetation clearing work was ahead of schedule at the time the work was paused.

4.4 Anticipated or Potential Schedule Delays Next Quarter

No schedule delays are anticipated during the next quarter.

4.5 Solutions Implemented to Address Actual Problems or Schedule Delays This Quarter

The field work has progressed on, or ahead, of schedule this quarter. The delay in the Site vegetation clearing work due to the mechanical issues with the mowers did not affect the overall schedule as this work is scheduled to be completed on or about April 29, 2022. The work stoppages and unplanned fence repairs caused by the cattle during this quarter did not affect the overall schedule.

4.6 Solutions Planned to Address Anticipated Problems or Schedule Delays Next Quarter

EPA will be contacted should the cattle cause work stoppages or present a worker or visitor safety issue. Should the cattle, equipment problems, adverse weather conditions, public health issues (e.g., the Covid 19 pandemic), and/or other issues, prevent the Group from meeting the project schedule, the Group will consult with EPA to request an extension to the project schedule to allow sufficient time to complete the Site work and reschedule the Site Reconnaissance Visit.

Attachment A

Photographs



Example of Cattle Damage to South Fence



South Fence after the Repairs were Completed



Vegetation Clearing in Western Section of the Site



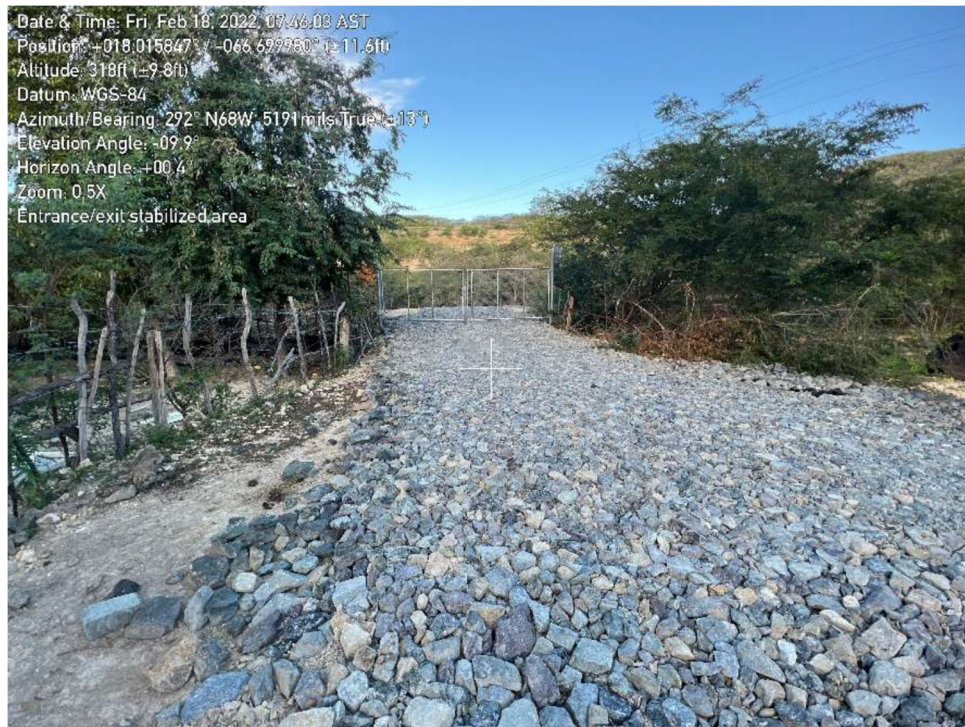
Vegetation Clearing in Western Section of the Site



BMP Installation at Discharge Point 005



BMP Installation along Southeastern Fence Line



Stabilized Entrance to Site



BMP Installation at Discharge point 002

Attachment B

Gantt Chart Schedule

